

Message

From: Shea, Valois [Shea.Valois@epa.gov]
Sent: 8/6/2018 10:20:50 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Chin, Lucita [Chin.Lucita@epa.gov]
Subject: update on cultural survey
Attachments: E180719t031701_ASLBOrderPowertech July19_2018.pdf; E180719t114054_OSTResponse to NRC Motion to Set Deadline.pdf

Hi Mike & Lucita,

I was able to access the NRC electronic hearing docket from home and got caught up on what's been happening.

This summary is from the latest ASLB Order:

On July 2, 2018, the NRC Staff informed the Oglala Sioux Tribe that it was discontinuing its efforts to implement the March 2018 approach because the NRC Staff believed "the Tribe's [recent] proposal was fundamentally incompatible with the March 2018 approach." On July 5, 2018, the NRC Staff filed a motion with the Board to set a deadline different from the ten-day deadline required by section 2.323 for filing summary disposition motions to resolve Contention 1A. By order issued July 11, 2018, the Board suspended the deadline for filing summary disposition motions, noting that the deadline for any response to the NRC Staff's July 5 motion was not due until July 16, 2018.⁵ The Oglala Sioux Tribe and Powertech filed timely responses.

I have attached the 6-page OST response so you can review all the issues raised.

The Board now orders:

any motion for summary disposition to resolve Contention 1A shall be due no later than August 17, 2018. In accordance with section 2.1205, motions must include a written explanation of the basis of the motion. "The moving party must attach a short and concise statement of material facts for which the moving party contends that there is no genuine issue to be heard." Any response in support of a motion for summary disposition is due on August 31, 2018.

I have attached the order in case you want to review the whole document. I think this info will help us put together the message for the September 10 briefing for Darcy.

Thanks!

Valois

Valois Shea
U.S. EPA Region 8
MailCode: 8WP-SUI
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6276
Fax: (303) 312-6741

Email: shea.valois@epa.gov